

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN THE MATTER OF THE ARREST OF:
Dana F. Cain

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Case No. 1:17mj3284-TMP

I, Kelly Liberti, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the FBI since November, 1995, and am currently assigned to the Violent Crime Squad in the Cleveland Division. While employed by the FBI, I have investigated federal criminal violations related to child abduction, child exploitation, child pornography and cyber crimes. I have gained experience through training at the FBI Academy and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is being submitted for the limited purpose of establishing probable cause that DANA F. CAIN, age 48, currently residing at 7260 Avon Belden Road, North Ridgeville, Ohio 44039, has violated Title 18 U.S.C. § 2252A(a)(2)(A) (receipt and distribution of child pornography).

PROBABLE CAUSE

4. The statements contained in this affidavit are based in part on: written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement officers; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent (SA) with the FBI. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation.

5. The investigation revealed an individual residing at 7260 Avon Belden Road, North Ridgeville, Ohio used a peer to peer file sharing network while connected to the Internet to download and distribute child pornography.

6. On August 15, 2016, an officer with the North Ridgeville, Ohio Police Department (NRPD) accessed a peer to peer file sharing network while connected to the Internet in an undercover capacity. The officer identified IP address 173.90.175.235 as a source of files which appeared to be related to the distribution of child pornography. Between August 15, 2016 and November 25, 2016, the officer was able to obtain six complete downloads of movie files containing suspected child pornography.

7. One of the downloads made by the NRPD officer is briefly described as follows:
File name: (pthc) Kristin (cum on face & mouth while sleeping).avi: This was a 1:18 movie file consisting of five separate scenes. Three scenes show an adult male masturbating and ejaculating on the face and mouth of a small female child as she slept. The fourth scene showed

the adult male rubbing his erect penis on the child's mouth, the final scene showed what appeared to be the same female child performing oral sex on the adult male.

8. On October 4, 2016, an officer with the Avon, Ohio Police Department (APD) accessed a peer to peer file sharing network while connected to the Internet in an undercover capacity. The officer identified IP address 173.90.175.235 as a source of files which appeared to be related to the distribution of child pornography. Between October 4, 2016 and March 10, 2017, the officer was able to obtain nine partial downloads and one complete download of movie files containing suspected child pornography.

9. One of the downloads made by the APD officer is briefly described as follows:
File name: (PTHC) 5yo kait dad extcasy-Kathie getting a mouthful of my cum.avi: This was a :39 video showing a very small, young, naked female child performing oral sex on an adult male penis. The male ejaculated into the child's mouth, which she then spit out.

10. A query of the IP address 173.90.175.235 was conducted through the American Registry for Internet Numbers (ARIN). This query indicated IP address 173.90.175.235 was registered to Time Warner Cable.

11. On March 23, 2016, a subpoena was served to Time Warner Cable concerning IP address 173.90.175.235 for the specific dates and times of the previously referenced downloads. On March 27, 2017, Time Warner Cable provided compliance and identified IP address 173.90.175.235 as being registered to:

Dana Cain

7260 Avon Belden Road, North Ridgeville, Ohio 44039

Active August 11, 2016 to the present

Phone number associated to account: 614-452-0458

SEARCH OF 7260 AVON BELDEN ROAD, NORTH RIDGEVILLE, OHIO

12. On March 30, 2017, a search warrant, authorized by Lorain County Common Pleas Court Judge John R. Miraldi, was executed at 7260 Avon Belden Road, North Ridgeville, Ohio by North Ridgeville Police and the Ohio ICAC. A Macbook computer belonging to Cain was seized and identified by a globally unique identifier number as the computer that was participating in the sharing of child pornography files over the Internet. A preliminary on-scene exam showed the computer contained 167 movie files depicting child pornography.

13. Dana Cain, his wife Caroline and sister-in-law Theresa J. Barnett, were all found to be residents of the home. Interviews of Caroline Cain and Barnett revealed neither woman ever used the computer identified as the computer which shared child pornography over the Internet. Cain was voluntarily interviewed at the North Ridgeville Police Department. This interview was recorded (both audio and video) by North Ridgeville Police Department and your Affiant has reviewed the recording. Your Affiant notes Cain did not answer any questions, but asked officers for a phone book in order to find and retain an attorney.

14. The Macbook computer, along with eight other electronic devices, were seized during the search. On April 5, 2017, a search warrant, signed by Lorain County Common Pleas Judge Mark A. Betletski, was obtained to search the seized electronic items.

15. The search of these items was conducted by North Ridgeville Detective Randall Young. Young's exam showed Cain's Macbook was the only device that contained suspected child pornography. The exam showed Cain's Macbook had both a Mac and Windows operating system and all the suspected child pornography files and programs used to view and trade them

were found within the Windows operating system. The search found Cain had approximately 490 movies with titles indicating child pornography within the computer.

16. The files categorized as child pornography or suspected child pornography were evaluated to contain visual depictions of real minor children engaged in sexually explicit conduct, including the lascivious exhibition of genitalia and the pubic area. A sample of the movie files found are described below in order to give a brief summary of what was found during the examination:

- a. **File name: File ending in DD0C4:** This was a 1:06:022 video compilation featuring multiple female children. The video began with a toddler female dressed in a pink Winnie the Pooh nightgown performing oral sex on and masturbating an adult male penis. The video switched to a prepubescent female child being vaginally and anally penetrated by an adult male penis. The video then switched to an adult male digitally penetrating the anus of a prepubescent female child, then penetrating the child's anus with his penis.
- b. **File name: 2814.kait 5yo with dad open pussy fingered and fucked wow 3m31:** This was a 3:31 video that began with the image of a female toddler's vagina, then showed an adult hand manipulating the child's vagina to expose the child's vagina to the camera. An adult finger then entered the child's vagina, then an adult male penis penetrated the child's vagina. The video ended with the child performing oral sex on an adult male penis and the male ejaculating on the child's face.
- c. **File name: 2012 Krisin 9yo Rare Vid.mp4:** This was a 4:36 video which began with a prepubescent female child removing her pants and then being approached from behind by a naked adult male. The adult male penetrated the child's vagina with his penis. The video switched to a prepubescent female child in a pink princess dress sitting with her legs spread. An adult male lifted the dress to expose the child's genitalia, rubbed his penis on her vagina, then digitally manipulated her vagina.

17. On April 5, 2017, Cain was arrested by North Ridgeville Police and charged with pandering obscenity involving a minor, possession of obscenity involving a minor and possession of criminal tools. These charges were dismissed in July, 2017.

CONCLUSION

18. Based on the foregoing, there is probable cause to believe that Dana Cain violated Title 18 U.S.C. § 2252A(a)(2)(A) (receiving and distributing child pornography).

19. Your Affiant respectfully requests the Court issue an arrest warrant for DANA F. CAIN.



Special Agent Kelly Liberti

This affidavit was sworn by the Affiant on this 13th day of November, 2017 by telephone after submission by reliable electronic means, per Fed. R. Crim. P. 4.1.




Thomas M. Parker, United States Magistrate Judge